

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

Case Number 24-cv-21050-CMA

PRESIDENT DONALD J. TRUMP, an
individual,

Plaintiff,

v.

AMERICAN BROADCASTING COMPANIES,
INC., a Delaware corporation, ABC NEWS,
INC., a Delaware corporation, and GEORGE
STEPHANOPOULOS, an individual,

Defendants.

**DEFENDANTS' MOTION FOR LEAVE TO CONVENTIONALLY FILE
AUDIOVISUAL EXHIBIT**

Defendants American Broadcasting Companies, Inc., ABC News, Inc., and George Stephanopoulos (collectively, the “Defendants”) hereby seek leave to file conventionally, by delivery to the Clerk of Court, a USB flash drive featuring audiovisual material in support of Defendants’ forthcoming Motion to Dismiss. In support thereof, Defendants state as follows:

1. This defamation action concerns statements appearing in a television broadcast that was aired on March 10, 2024. (D.E. 1 ¶¶ 37–42).
2. In support of their forthcoming Motion to Dismiss, Defendants seek to attach as an exhibit a video copy of that broadcast that is the alleged basis for Plaintiff’s claims.
3. Publications appearing in video form, however, cannot be electronically filed because the Court’s CM/ECF system does not permit filings to be submitted via USB flash drives without prior court approval. *See* S.D. Fla. CM/ECF Administrative Procedure 3(G)(7).
4. Given the nature of the exhibit, the Court’s CM/ECF procedures, and Federal Rule of Civil Procedure 5(d), Defendants seek leave to conventionally file the USB flash drive of the at-issue broadcast with the Clerk of Court.

WHEREFORE, Defendants request that the Court grant leave to conventionally file a USB flash drive containing audiovisual material in support of their forthcoming Motion to Dismiss.

Dated: May 10, 2024

LOCAL RULE 7.1 CERTIFICATION

Counsel for Defendants certifies that they have conferred with Plaintiff's counsel regarding this motion and was informed that Plaintiff does not oppose the relief requested herein.

Respectfully Submitted,

/s/ Rachel E. Fugate

SHULLMAN FUGATE PLLC

Rachel E. Fugate (Florida Bar No. 144029)
rfugate@shullmanfugate.com
Minch Minchin (Florida Bar No. 1015950)
mminchin@shullmanfugate.com
2101 Vista Parkway Suite 4006
West Palm Beach, Florida 33411
(813) 935-5098

DAVIS WRIGHT TREMAINE LLP

Nathan Siegel (pro hac vice)
1301 K Street NW, Suite 500
Washington, DC 20005
Phone: 202-973-4237
Email: nathansiegel@dwt.com

Elizabeth A. McNamara (pro hac vice)
1251 Avenue of the Americas, 21st Floor
New York, NY 10020
Phone: (212) 489-8230
Email: lizmcnamara@dwt.com

*Attorneys for Defendants American
Broadcasting Companies, Inc., ABC News,
Inc., and George Stephanopoulos*